

**REMARKS**

Upon entry of the amendment, which is respectfully requested, claims 4, 5 and 9-14 will be amended. Claims 1-14 are pending and subject to Restriction Requirement.

Claims 4 and 5 have been amended editorially to remove “of using an aggregate of eyeballs of a crustacean,” thereby simplifying the claim.

Claims 9 and 12-14 have been amended editorially to remove “for producing an aggregate [or highly-pure aggregate] of eyeballs of a crustacean,” thereby simplifying the claim.

Claim 10 has been amended to depend from claim 8 and to remove the recitation of “by heating.”

Claim 11 has been amended to depend from claim 10.

No new matter is added.

**Response to the Restriction Requirement**

In response to the Restriction Requirement, Applicants elect Group I, Claims 1-9 and 12, drawn to aggregate of eyeballs of a crustacean, and methods of using and producing the same for examination. This election is made with traverse.

The Examiner asserts that different process steps of producing aggregates of eyeballs of crustaceans are included in each of Groups I, II and III.

Applicants respectfully disagree. Independent claim 8 of Group I discloses that a process for producing an aggregate of eyeballs of a crustacean comprises reducing a water content of the crustacean and releasing the eyeballs from a fish body by physical impact, followed by recovering them. Claim 10 of Group II and claim 11 of Group III, further define the same process steps disclosed in claim 8 of Group I, by reciting that the water content is reduced to

RESPONSE TO RESTRICTION REQUIREMENT AND  
PRELIMINARY AMENDMENT  
Application No.: 10/592,004

Attorney Docket No.: Q96991

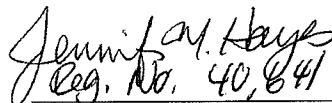
15% or less and that the eyeballs are released by physical impact, which comprises subjecting the crustacean to vibrate on a sieve to thereby recover the eyeballs.

In order to clarify this, claim 10 of Group II has been amended to depend from claim 8 of Group I, and claim 11 of Group III has been amended to depend from claim 10 of Group II.

Applicant reserves the right to file a Divisional Application directed to non-elected claims 10, 11, 13 and 14.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Reg. No. 40,841

for Susan J. Mack  
Registration No. 30,951

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

**65565**

CUSTOMER NUMBER

Date: April 30, 2009